

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

**H T SMITH,**

**Plaintiff,**

**v.**

**WARDEN CEDRIC TAYLOR, *et al.*,**

**Defendants.**

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**Case No. 5:17-cv-00466-MTT-CHW**

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**ORDER**

Plaintiff H. T. Smith, currently confined in Johnson State Prison, filed a *pro se* civil rights action under 42 U.S.C. § 1983. Compl., ECF No. 1. On March 20, 2018, Magistrate Judge Charles H. Weigle ordered Plaintiff to (1) submit a properly completed motion to proceed *in forma pauperis* or pay the filing fee and (2) file a recast complaint if Plaintiff wished to proceed in this action. Order to Amend Compl. 3, ECF No. 5. The Magistrate Judge afforded Plaintiff twenty-one (21) days to respond to the Order and cautioned Plaintiff that noncompliance could result in the dismissal of his Complaint. *Id.* When the deadline for compliance elapsed without response from Plaintiff, the Magistrate Judge ordered Plaintiff to show cause why this action should not be dismissed for failure to comply with orders of this Court. Order to Show Cause 1, ECF No. 6. The Magistrate Judge directed Plaintiff to file his response within twenty-one days and again cautioned Plaintiff that if he failed to follow the directives of this Court, his Complaint would be dismissed. *Id.* 1-2.

As of today's date, the twenty-one (21) day deadline to show cause has passed without response from Plaintiff, and it has been nearly three months since the Magistrate Judge first directed Plaintiff to amend his Complaint and either pay the filing fee or seek leave to proceed without prepayment. Plaintiff has repeatedly failed to respond to orders of this Court, and he has not pursued this case since he initially filed his Complaint.<sup>1</sup> For these reasons, and because Georgia's two-year statute of limitations will not prevent the filing of Plaintiff's Complaint in the near future, the instant action is hereby **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order." (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978))).

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<sup>1</sup>Between October and December 2017, Plaintiff filed six separate complaints brought under 42 U.S.C. § 1983. See *Smith v. Taylor*, 5:17-cv-409-MTT-MSH (M.D. Ga.); *Smith v. Deal*, 5:17-cv-00425-MTT-CHW (M.D. Ga.); *Smith v. Taylor*, 5:17-cv-00437-MTT-MSH (M.D. Ga.); *Smith v. Farley*, 5:17-cv-00438-MTT-MSH (M.D. Ga.); *Smith v. Smith*, 5:17-cv-00511-TES-CHW (M.D. Ga.). Because Plaintiff's allegations in each complaint were vague and appeared to be similar, in case 5:17-cv-00425-MTT-CHW Magistrate Judge Weigle directed Plaintiff to clarify if he intended to raise five separate claims or was seeking to litigate related claims which could be brought in a single action. See *Smith v. Deal*, Order to Recast, Dec. 12, 2017, ECF No. 10, 5:17-cv-00425-MTT-CHW. Plaintiff responded that he wished to litigate five separate lawsuits. *Id.* at ECF No. 13. Upon review pursuant to 28 U.S.C. § 1915A, the Court allowed Plaintiff to proceed with his claims in case 5:17-cv-00425. *Id.* at ECF No. 14. Plaintiff, however, failed to fully comply with the Court's directives in the remaining cases.

**SO ORDERED**, this 13th day of June, 2018.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT